

## REMARKS

The above-identified patent application has been reviewed in light of the Final Office Action dated September 6, 2006 (herein the "Office Action"). In the Office Action, Claims 25 – 27 remain allowed; Claims 1 – 3, 5 – 11, 13, 28 – 33, 35 – 37, 39 – 43, 45 and 46 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent Number 4,310,726 to Asmuth (herein "*Asmuth*") in view of U.S. Patent Number 4,893,325 to Pankonen (herein "*Pankonen*") and further in view of U.S. Patent Number 6,128,481 to Houde et al. (herein "*Houde*"); Claim 12 was rejected under 35 U.S.C. §103(a) as being obvious over *Asmuth* in view of *Pankonen* and *Houde*, and further in view of U.S. Patent Number 6,076,028 to Donnelly (herein "*Donnelly*"); Claim 44 was rejected under 35 U.S.C. §103(a) as being obvious over *Asmuth* in view of *Pankonen* and *Houde*, and further in view of U.S. Patent Number 6,847,824 to Contractor (herein "*Contractor*"); Claim 34 was rejected under 35 U.S.C. §103(a) as being obvious over *Asmuth* in view of *Pankonen* and *Houde*, and further in view of U.S. Patent Number 6,289,083 B1 to Ray (herein "*Ray*"); and Claim 4 was rejected under 35 U.S.C. §103(a) as being obvious over *Asmuth* in view of *Pankonen* and *Houde*, and further in view of U.S. Patent Number 5,506,897 to Moore (herein "*Moore*").

In response thereto no claims are herein amended, cancelled or added. Claims 25-27 stand allowed. Therefore, **Claims 1 – 13, 25 – 37 and 39 – 46 and are currently pending.** As set forth more fully below, reconsideration and withdrawal of the rejections of the claims are respectfully requested.

The present invention relates to emergency telephone services, and in particular, to the routing of emergency services calls from call centers to public safety answering points and to the provision of data in connection with such calls. This invention enables an emergency service call center to route a call or request for emergency services automatically to a public safety answering point proximal to the caller and provide the PSAP with pertinent

information (e.g., latitude and longitude, street address, vehicle collision data, etc.) related to the caller. In addition, the present invention allows the use of the public switched telephone network to deliver the emergency service calls received by an emergency service call center to an appropriate PSAP and to have the call treated as any other 9-1-1 call (i.e., as a native 9-1-1 call).

Claims 1 – 3, 5 – 11, 13, 28 – 33, 35 – 43, 45 and 46 stand rejected under 35 U.S.C. §103(a) as being obvious over *Asmuth* in view of *Pankonen* and *Houde*. All of the currently-pending independent claims stand rejected under this combination of references. It is respectfully asserted that Applicants' independent claims include at least two limitations that are not found in the combination of references, either individually or taken together. Further, Applicants respectfully assert that *Asmuth* and *Pankonen* and *Houde* cannot be combined without using applicants' claims as a roadmap.

**Claim 1:** Claim 1 specifically includes the limitations of:

associating a first request identifier with said first request for emergency services, wherein said first request identifier uniquely identifies said first request for emergency services and wherein said first request identifier uniquely identifies a first one of said plurality of public safety answering points associated with said first emergency service zone; and  
storing at least a portion of said received first location information.

Claim 1, lines 10 – 15.

None of *Asmuth* or *Pankonen* or *Houde* discloses or suggests **a first request identifier that uniquely identifies the request for emergency services and uniquely identifies a public safety answering point associated with an emergency service zone.** *Asmuth* discloses that the last four digits of a pseudo-telephone number may be used as a retrieve key to identify the real telephone number of the calling telephone. *Asmuth* does not disclose or suggest that the pseudo-telephone number may be used to identify a PSAP associated with an emergency service zone. The Examiner states that *Houde* discloses a first identifier that uniquely identifies a PSAP associated with an emergency service zone. The Office Action, top of Page 3. The Examiner cites *Houde*, “fig. 3 page 4, line 10 – page 5,

line 15.” Applicants cannot find the specified passage in the issued patent. If the Examiner means column 3, line 10 through column 4, line 15, then the Examiner is citing the majority of the “Detailed Description of Embodiments” section of *Houde* and is not stating with specificity where in *Houde* the teaching or suggestion is.

In actuality, *Houde* is silent regarding determining a location within an emergency service zone. The only suggestion of such is *Houde*’s reference to “received mobile station location information and internal mapping functions to determine the appropriate PSAP 48.” *Houde*, Col. 3, lines 38 – 40. This passage suggests mapping a mobile station’s location to a PSAP, but not necessarily by determining the emergency services zone. “Emergency services zone” is a phrase well known in the art before *Houde*’s patent application was filed. *See, e.g.,* National Emergency Number Association (NENA), *Master Glossary of 9-1-1 Terminology*, NENA, March 1998. If *Houde* meant mapping a location into an “emergency service zone” they would have so stated.

Additionally, none of *Asmuth*, *Pankonen* and *Houde* teaches or suggests “storing at least a portion of said received first location information.” The Examiner asserts that *Pankonen* teaches this element in Figs. 1-2, col. 5 lines 19-41 and lines 62-65. Applicants again respectfully assert that the Examiner’s reading of *Pankonen* is incorrect. Applications can find no mention of “location” as in geographic location *per se*. Instead, the passage of *Panknomen* cited in the Office Action reads, in pertinent part:

When ALI data is returned, the Control Module 30 associates the data with a particular position through the ANI embedded in the ALI record. Col. 5, lines 29 – 30 (emphasis added)

“Position” in this context of *Pankonen* means the operator position, not a location. *See, e.g.,* Col. 4 lines 59 – 68, wherein it is stated that “each position is provisioned with an individual dedicated two-wire voice link between the SCX 12 and each Console in the PSAP 14.” Applicants can find no reference to “location” as geographic location anywhere in *Pankonen*.

Thus, the combination of *Asmuth*, *Pankonen* and *Houde* do not teach or suggest at least two of Applicants' limitations recited in Claim 1. For this reason alone, Applicants' Claim 1 is not obvious over the combination of *Asmuth* in view of *Pankonen* and *Houde*.

Further, it is respectfully submitted that *Asmuth*, *Pankonen* and *Houde* cannot be combined without using Applicants' claims as a roadmap. *Asmuth* uses the first three digits of pseudo-telephone number to route the call and then uses the last four as a key into a database to retrieve the real ANI. *Pankonen* relies on the ANI to associate an operator position with an ALI record. *Houde* relies on a separate service control point to provide routing information and to deliver location information on a separate channel. These three references use three different means for passing ANI and ALI information and therefore are incompatible. Thus, these references are not combinable.

Further, the Federal Circuit states that "[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." *In re Fritch*, 972 F.2d 1260, 1266 n.14, 23 USPQ2d 1780, 1783-84 n.14 (Fed. Cir. 1992), citing *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984). It is further established that "[s]uch a suggestion may come from the nature of the problem to be solved, leading inventors to look to references relating to possible solutions to that problem." *Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc.*, 75 F.3d 1568, 1573, 37 USPQ2d 1626, 1630 (Fed. Cir. 1996).

It is respectfully submitted that a person skilled in the art would not look to *Houde* to supply "said first request identifier uniquely identifies a first one of said plurality of public safety answering points associated with said first emergency service zone" while contemplating *Asmuth* for "associating a first request identifier with said first request for emergency services, wherein said first request identifier uniquely identifies said first request for emergency services." If, for the sake of argument, *Asmuth* does teach "associating a first request identifier..." (with which Applicants do not agree), *Houde* does not add that the same identifier can be used to uniquely identify a PSAP. *Houde* teaches that a PSAP identifier is

delivered to the switch for routing the call, separately from any identification of a request for emergency services. The only way to combine these two diverse references is to use Applicants' teaching against itself. As stated above, there is no suggestion that the two references can be combined; in fact, the references take different approaches to solving a similar problem. Thus, these references cannot be properly combined.

Further, *Asmuth* teaches using a pseudo-telephone number to route an emergency call. *Pankonen* teaches using the ANI of the calling telephone (which is well known in the art) to route an emergency call. *Houde* teaches routing an emergency call based on information obtained from a service control point, and thus uses neither a pseudo-telephone number nor an ANI. These three references solve a problem in the art in different manners; one skilled in the art would not reasonably expect success by combining the references.

Because none of *Asmuth*, *Pankonen* and *Houde*, taken alone or in combination, teach or suggest all of the elements of Claim 1, and because *Asmuth*, *Pankonen* and *Houde* solve problems in different manners that do not suggest that these disclosure can be combined with a reasonable expectation of success, Applicants' Claim 1 defines over the prior art and is therefore patentable.

**Claims 2 – 11 and 13** Inasmuch as the combination of *Asmuth* in view of *Pankonen* and *Houde* does not disclose each and every element of the invention as set forth in Claim 1, and is not operable as the claimed invention, it likewise does not disclose each and every element of the invention set forth in any of Claims 2 – 11 and 13 which depend from Claim 1, nor is the combination of *Asmuth* and *Pankonen* and *Houde* operable as the inventions recited in Claims 2 – 11 and 13.

Therefore, for at least these reasons, Claims 1 – 11 and 13 are not obvious over *Asmuth* in view of *Pankonen* and *Houde*, and the Applicants respectfully request that the rejection of these claims be reconsidered and withdrawn.

**Claim 28** As noted above, the combination of *Asmuth* in view of *Pankonen* and *Houde* does not disclose or suggest obtaining location information related to a request for emergency services. Further, the combination of *Asmuth* in view of *Pankonen* and *Houde* does not disclose or suggest “a first unique identifier” as defined in claim 28. Additionally, these references taken together do not disclose or suggest that the first unique identifier includes an identification of a third network node. Finally, the three references cannot be properly combined, as argued above and incorporated herein. Therefore, the combination of *Asmuth* in view of *Pankonen* and *Houde* cannot render Claim 28 obvious.

**Claims 29 – 31** Inasmuch as the combination of *Asmuth* in view of *Pankonen* and *Houde* does not disclose or suggest each and every element of the invention as set forth in Claim 28, and is not operable as the claimed invention, the combination likewise does not disclose each and every element of the invention set forth in any of Claims 29-31 which depend from Claim 29, nor is the combination of *Asmuth* in view of *Pankonen* and *Houde* operable as the invention recited in Claims 29 – 31.

Therefore, for at least these reasons, Claims 28 – 31 are not anticipated by *Asmuth* in view of *Pankonen*, and *Houde* and the Applicants respectfully request that the rejection of these claims be reconsidered and withdrawn.

**Claim 32** As noted above, the combination of *Asmuth* in view of *Pankonen* and *Houde* does not teach or suggest a “query comprising the first information regarding the location from which the first request for emergency services originated” being transmitted by the call center system. Further, *Asmuth* in view of *Pankonen* and *Houde* does not disclose both a first identifier and a second identifier as recited in Claim 32, or associating said second identifier “as a calling number.” Finally, *Asmuth* in view of *Pankonen* and *Houde* does not disclose or suggest that the second identifier comprises a public safety answering point identifier. Thus, Claim 32 cannot be obvious over *Asmuth* in view of *Pankonen*.

**Claims 33, 35 and 36** Inasmuch as the combination of *Asmuth* in view of *Pankonen* and *Houde* does not disclose or suggest each and every element of the invention as set forth in Claim 32, and is not operable as the claimed invention, the combination likewise does not disclose each and every element of the invention set forth in any of Claims 33, 35 and 36 which depend from Claim 32, nor is the combination of *Asmuth* in view of *Pankonen* and *Houde* operable as the invention recited in Claims 33, 35 and 36.

Therefore, for at least these reasons, Claims 32, 33, 35 and 36 are not obvious over *Asmuth* in view of *Pankonen* and *Houde* and the Applicants respectfully request that the rejection of these claims be reconsidered and withdrawn.

**Claim 37** As noted above, the combination of *Asmuth* in view of *Pankonen* and *Houde* does not teach or suggest correlating geographic location to a public safety answering point, as recited in Claim 37 and discussed above. The combination of *Asmuth* in view of *Pankonen* and *Houde* does not disclose or suggest the use of an “identification key” that is associated with a “public safety answering point” as recited in Claim 37. Therefore, independent Claim 37 is not obvious over *Asmuth* in view of *Pankonen* and *Houde*.

**Claims 39 – 43, 45 and 46** Inasmuch as the combination of *Asmuth* in view of *Pankonen* and *Houde* does not disclose or suggest each and every element of the invention as set forth in Claim 37, and is not operable as the claimed invention, it likewise does not disclose each and every element of the invention set forth in any of Claims 38-46 which depend from Claim 37, nor is the combination of *Asmuth* in view of *Pankonen* and *Houde* operable as the invention recited in Claims 39 – 43, 45 and 46.

Therefore, for at least these reasons, Claims 37, 39 – 43, 45 and 46 are not obvious over *Asmuth* in view of *Pankonen* and *Houde* and Applicants respectfully request that the rejection of these claims be reconsidered and withdrawn.

**Claim 12** stands rejected under 35 U.S.C. §103 as being unpatentable over *Asmuth* in view of *Pankonen* and *Houde* and further in view *Donnelly*. For the reasons stated above with respect to Claim 1, the combination of *Asmuth* in view of *Pankonen* and *Houde* fails to disclose each and every element of the invention as set forth in Claim 1, and therefore fails to disclose each and every element of the invention set forth in Claim 12, which depends from Claim 1.

Therefore, for at least these reasons, Claim 12 is not obvious over *Asmuth* in view of *Pankonen*, *Houde* and *Donnelly*. Accordingly, Applicants respectfully request that the rejection of Claim 12 be reconsidered and withdrawn.

**Claim 44** stands rejected under 35 U.S.C. §103 as being unpatentable over *Asmuth* in view of *Pankonen* and *Houde* and further in view of *Contractor*. For the reasons stated above with respect to Claim 37, the combination of *Asmuth* in view of *Pankonen* and *Houde* fails to disclose each and every element of the invention as set forth in Claim 37, and therefore fails to disclose each and every element of the invention set forth in Claim 44, which depends from Claim 37.

Therefore, for at least these reasons, Claim 44 is not obvious over *Asmuth* in view of *Pankonen*, *Houde* and *Contractor*. Accordingly, Applicants respectfully request that the rejection of Claim 44 be reconsidered and withdrawn.

**Claim 34** stands rejected under 35 U.S.C. §103 as being obvious over *Asmuth* in view of *Pankonen* and *Houde* and further in view of *Ray*. For the reasons stated above with respect to Claims 32 and 33, the combination of *Asmuth* in view of *Pankonen* and *Houde* fails to disclose each and every element of the invention as set forth in Claims 32 and 33, and therefore fails to disclose each and every element of the invention set forth in Claim 34, which depends from Claims 32 and 33.

Therefore, for at least these reasons, Claim 34 is not obvious over *Asmuth* in view of *Pankonen*, *Houde* and *Ray*. Accordingly, the Applicants respectfully request that the rejection of Claim 34 be reconsidered and withdrawn.

**Claim 4** stands rejected under 35 U.S.C. §103 as being obvious over *Asmuth* in view of *Pankonen* and *Houde* and further in view of *Moore*. For the reasons stated above with respect to Claim 1, the combination of *Asmuth* in view of *Pankonen* and *Houde* fails to disclose each and every element of the invention as set forth in Claim 1, and therefore fails to disclose each and every element of the invention set forth in Claim 4, which depends from Claim 1.

Therefore, for at least these reasons, Claim 4 is not obvious over *Asmuth* in view of *Pankonen*, *Houde* and *Moore*. Accordingly, the rejection of Claim 4 should be reconsidered and withdrawn.

**Claims 25-27 stand allowed** over the prior art of record.

The application now appearing to be in form for allowance, early notification of same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would expedite the resolution of this case.

Respectfully submitted,

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Date: November 3, 2006